

JUL 02 2012

LINDA K. FANKHAUSER, CLERK,  
PORTAGE COUNTY, OHIO

**INDICTMENT: IMPROPERLY HANDLING  
FIREARM IN MOTOR VEHICLE;  
POSSESSION OF DRUGS;  
CARRYING A CONCEALED WEAPON;  
OPERATING VEHICLE WHILE  
INTOXICATED (2 Cts)**

COUNT ONE

THE STATE OF OHIO

)

) SS

PORTAGE COUNTY

)

CASE NO.

**2012CR0437**

**JUDGE JOHN A. ENLOW**

COMMON PLEAS COURT

*Of the Term of April in the Year of Our Lord Two Thousand Twelve.*

*The Jurors of the Grand Jury of the State of Ohio, within and for the Body of the County Aforesaid, on their Oaths, in the Name and by the Authority of the State of Ohio, do find and present that **Daniel P. Fitzpatrick** on or about the 25th day of December, 2011, at the County of Portage, State of Ohio Aforesaid did*

**knowingly transport or have a loaded handgun in a motor vehicle and, at the time of transportation or possession, the person is under the influence of alcohol, a drug of abuse, or a combination of them.**

**Said act being Improperly Handling Firearm in Motor Vehicle, a Felony of the Fifth Degree,**

**Contrary to and in violation of Section 2923.16 (D) (1) of the Ohio Revised Code, and**

**Contrary to the form of the Statute in such case made and provided and Against the Peace and Dignity of the State of Ohio.**

**VICTOR V. VIGLUICCI  
PROSECUTING ATTORNEY**

BY: *Thomas R. Buchanan*  
**PROSECUTING ATTORNEY/ASSISTANT**

**ENDORSED: A TRUE BILL**

*John A. Enlow*  
**FOREPERSON OR DEPUTY FOREPERSON**

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**INDICTMENT: IMPROPERLY HANDLING  
FIREARM IN MOTOR VEHICLE;  
POSSESSION OF DRUGS;  
CARRYING A CONCEALED WEAPON;  
OPERATING VEHICLE WHILE  
INTOXICATED (2 Cts)**

---

**COUNT TWO**

**CASE NO.**

**THE STATE OF OHIO**

)

) SS

**PORTAGE COUNTY**

)

**COMMON PLEAS COURT**

*Of the Term of April in the Year of Our Lord Two Thousand Twelve.*

*The Jurors of the Grand Jury of the State of Ohio, within and for the Body of the County Aforesaid, on their Oaths, in the Name and by the Authority of the State of Ohio, do find and present that **Daniel P. Fitzpatrick** on or about the 25th day of December, 2011, at the County of Portage, State of Ohio Aforesaid did*

**knowingly obtain, possess, or use Pentedrone (similar to Methcathinone), a Schedule I controlled substance, in an amount less than one gram, and the chemical structure of the substance is substantially similar to the structure of a controlled substance in Schedule I or II, and**

**the substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II, or**

**with respect to a particular person, that person represents or intends the substance to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.**

**Said act being Possession of Drugs, a Felony of the Fifth Degree,**

**Contrary to and in violation of Sections 3719.01 (HH) (a) and (b) (i) or (ii) and 2925.11 (A) (C) (1) (a) of the Ohio Revised Code, and**

**Contrary to the form of the Statute in such case made and provided and Against the Peace and Dignity of the State of Ohio.**

**VICTOR V. VIGLUICCI  
PROSECUTING ATTORNEY**

BY: Thomas R. Buchanan  
**PROSECUTING ATTORNEY/ASSISTANT**

**ENDORSED: *A TRUE BILL***

John L. M... ..  
**FOREPERSON OR DEPUTY FOREPERSON**

**NOTICE:** You are under Indictment for an offense involving the illegal possession, use, sale, administration, distribution or trafficking in any drug of abuse and, pursuant to Section 2923.13 of the Ohio Revised Code, you are prohibited from acquiring, having, carrying, or using any firearm or dangerous ordnance while under Indictment. A violation of this statute constitutes a separate felony offense.

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**INDICTMENT: IMPROPERLY HANDLING  
FIREARM IN MOTOR VEHICLE;  
POSSESSION OF DRUGS;  
CARRYING A CONCEALED WEAPON;  
OPERATING VEHICLE WHILE  
INTOXICATED (2 Cts)**

---

**COUNT THREE**

**CASE NO.**

**THE STATE OF OHIO**

)

) SS

**PORTAGE COUNTY**

)

**COMMON PLEAS COURT**

*Of the Term of April in the Year of Our Lord Two Thousand Twelve.*

*The Jurors of the Grand Jury of the State of Ohio, within and for the Body of the County Aforesaid, on their Oaths, in the Name and by the Authority of the State of Ohio, do find and present that **Daniel P. Fitzpatrick** on or about the 25th day of December, 2011, at the County of Portage, State of Ohio Aforesaid did*

**knowingly carry or have, concealed on his person, or concealed ready at hand, a deadly weapon or dangerous ordnance, to wit: Glock 9mm handgun, and the weapon was loaded or ammunition was ready at hand.**

**Said act being Carrying A Concealed Weapon, a Felony of the Fourth Degree,**

**Contrary to and in violation of Section 2923.12 of the Ohio Revised Code, and  
Contrary to the form of the Statute in such case made and provided and Against the Peace  
and Dignity of the State of Ohio.**

**VICTOR V. VIGLUICCI  
PROSECUTING ATTORNEY**

BY:   
**PROSECUTING ATTORNEY/ASSISTANT**

**ENDORSED: A TRUE BILL**

  
**FOREPERSON OR DEPUTY FOREPERSON**

---

**INDICTMENT: IMPROPERLY HANDLING  
FIREARM IN MOTOR VEHICLE;  
POSSESSION OF DRUGS;  
CARRYING A CONCEALED WEAPON;  
OPERATING VEHICLE WHILE  
INTOXICATED (2 Cts)**

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**COUNT FOUR**

**CASE NO.**

**THE STATE OF OHIO**

)

) SS

**PORTAGE COUNTY**

)

**COMMON PLEAS COURT**

*Of the Term of April in the Year of Our Lord Two Thousand Twelve.*

*The Jurors of the Grand Jury of the State of Ohio, within and for the Body of the County Aforesaid, on their Oaths, in the Name and by the Authority of the State of Ohio, do find and present that **Daniel P. Fitzpatrick** on or about the 25th day of December, 2011, at the County of Portage, State of Ohio Aforesaid did*

**operate a motor vehicle within the State of Ohio while he was under the influence of alcohol, a drug of abuse, or a combination of them.**

**Said act being Operating Vehicle While Intoxicated, a Misdemeanor of the First Degree.**

**Contrary to and in Violation of Section 4511.19 (A) (1) (a) and 4511.19 (G) of the Ohio Revised Code, and**

**Contrary to the form of the Statute in such case made and provided and Against the Peace and Dignity of the State of Ohio.**

**VICTOR V. VIGLUICCI  
PROSECUTING ATTORNEY**

BY: *Thomas R. Buchanan*  
**PROSECUTING ATTORNEY/ASSISTANT**

**ENDORSED: A TRUE BILL**

*S. L. M. M. M.*  
**FOREPERSON OR DEPUTY FOREPERSON**

---

**INDICTMENT: IMPROPERLY HANDLING  
FIREARM IN MOTOR VEHICLE;  
POSSESSION OF DRUGS;  
CARRYING A CONCEALED WEAPON;  
OPERATING VEHICLE WHILE  
INTOXICATED (2 Cts)**

**COUNT FIVE**

**CASE NO.**

**THE STATE OF OHIO**

)

) SS

**PORTAGE COUNTY**

)

**COMMON PLEAS COURT**

*Of the Term of April in the Year of Our Lord Two Thousand Twelve.*

*The Jurors of the Grand Jury of the State of Ohio, within and for the Body of the County Aforesaid, on their Oaths, in the Name and by the Authority of the State of Ohio, do find and present that **Daniel P. Fitzpatrick** on or about the 25th day of December, 2011, at the County of Portage, State of Ohio Aforesaid did*

**operate a motor vehicle within the State of Ohio, and as measured by gas chromatography mass spectrometry, while having a concentration of marihuana metabolite in his urine of at least fifteen (15) nanograms of marihuana metabolite per milliliter of his urine.**

**Said act being Operating Vehicle While Under the Influence, a Misdemeanor of the First Degree.**

**Contrary to and in Violation of Section 4511.19 (A) (1) (j) (viii) (I) and 4511.19 (G) of the Ohio Revised Code, and**

**Contrary to the form of the Statute in such case made and provided and Against the Peace and Dignity of the State of Ohio.**

**VICTOR V. VIGLUICCI  
PROSECUTING ATTORNEY**

BY:



**PROSECUTING ATTORNEY/ASSISTANT**

**ENDORSED: A TRUE BILL**



**FOREPERSON OR DEPUTY FOREPERSON**

The State of Ohio       )  
                                  ) ss  
Portage County       )

I, Linda Fankhauser, Clerk of the Court of Common Pleas, in and for  
said County, do hereby certify that the within and foregoing is a full, true  
and correct copy of the original indictment, together with the endorsements  
thereon, now on file in my office.

Witness my signature and the seal of this Court,  
this \_\_\_\_ day of \_\_\_\_\_, 2012.

LINDA FANKHAUSER, CLERK OF COURTS

BY: \_\_\_\_\_  
Deputy Clerk

**COPY**

**WARRANT TO ARREST ON INDICTMENT BEING ISSUED BEFORE THE  
DEFENDANT HAS APPEARED OR WAS SCHEDULED TO APPEAR**

**COURT OF COMMON PLEAS, PORTAGE COUNTY, OHIO**

2012 CR 00437

STATE OF OHIO

VS

FILED  
COURT OF COMMON PLEAS

July 2, 2012

LINDA K FANKHAUSER, CLERK  
PORTAGE COUNTY, OHIO

**DANIEL P FITZPATRICK**

**TO THE SHERIFF OF PORTAGE COUNTY:**

An indictment, a copy of which is attached hereto, has been filed in the Portage County Common Pleas Court charging defendant with the offense of:

IMPROP. HANDLING OF FIREARM IN MV-2923.16  
POSSESSION OF DRUGS-2925.11  
CARRYING CONCEALED WEAPON-2923.12  
OVI OPERATING VEHICLE UNDER THE INFLUENCE-4511.19 (2 CTS)

**YOU ARE ORDERED TO ARREST: DANIEL P FITZPATRICK**

And bring said person before said Court without unnecessary delay. Given under my hand and seal of the Portage County Common Pleas Court on this July 2, 2012.

Linda K Fankhauser, Clerk of Courts

*Monica Ramsey*

Deputy Clerk

Date: July 2, 2012

**RETURN OF SERVICE**

I RECEIVED THIS WARRANT ON \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_ M AND  
ON \_\_\_\_\_ I MADE PERSONAL SERVICE ON \_\_\_\_\_

**DAVID W DOAK, SHERIFF**

\_\_\_\_\_, DEPUTY

**FEES:**

MILEAGE \$ \_\_\_\_\_

BOOKING \_\_\_\_\_

TOTAL \$ \_\_\_\_\_



12-881

WARRANT TO ARREST ON INDICTMENT BEING ISSUED BEFORE THE  
DEFENDANT HAS APPEARED OR WAS SCHEDULED TO APPEAR

COURT OF COMMON PLEAS, PORTAGE COUNTY, OHIO

**RETURN**

2012 CR 00437

STATE OF OHIO

VS

**SECRET  
INDICTMENT**

FILED  
COURT OF COMMON PLEAS

July 2, 2012

LINDA K FANKHAUSER, CLERK  
PORTAGE COUNTY, OHIO

DANIEL P FITZPATRICK

TO THE SHERIFF OF PORTAGE COUNTY:

An indictment, a copy of which is attached hereto, has been filed in the Portage County Common Pleas Court charging defendant with the offense of:

IMPROP. HANDLING OF FIREARM IN MV-2923.16  
POSSESSION OF DRUGS-2925.11  
CARRYING CONCEALED WEAPON-2923.12  
OVI OPERATING VEHICLE UNDER THE INFLUENCE-4511.19 (2 CTS)

**YOU ARE ORDERED TO ARREST: DANIEL P FITZPATRICK**

And bring said person before said Court without unnecessary delay. Given under my hand and seal of the Portage County Common Pleas Court on this July 2, 2012.

Linda K Fankhauser, Clerk of Courts

*Monica Ramsey*

Deputy Clerk

Date: July 2, 2012

FILED  
COURT OF COMMON PLEAS

AUG 09 2012

LINDA K. FANKHAUSER, CLERK,  
PORTAGE COUNTY, OHIO

RETURN OF SERVICE

I RECEIVED THIS WARRANT ON 08-07, 20 12, AT 1500 O'CLOCK P. M AND  
ON SAME I MADE PERSONAL SERVICE ON DANIEL P. FITZPATRICK.

DAVID W DOAK, SHERIFF

*Det. Blase* DEPUTY

FEES: 25.00  
MILEAGE \$ 21.00  
BOOKING 5.00  
TOTAL \$ 51.00

*149.  
20 miles round trip  
arrested at Arsenal Maintenance  
6205.*

cc: Attorney Tim Hart

**FILED**  
COURT OF COMMON PLEAS

NOV 02 2012

LINDA K. FANKHAUSER, CLERK  
PORTAGE COUNTY, OHIO

IN THE COURT OF COMMON PLEAS  
PORTAGE COUNTY, OHIO

STATE OF OHIO

PLAINTIFF

VS

DANIEL P. FITZPATRICK

DEFENDANT

CASE NUMBER 2012 CR 00437


JUDGE JOHN ENLOW

WITNESS LIST

In accordance with Criminal Rule 16 (B)(1)(e) the State of Ohio hereby furnishes the defendant a written list of the names and addresses whom the prosecuting attorney intends to call at trial, together with any record of prior felony convictions of any such witness, which record is within the knowledge of the prosecuting attorney.


- |  |   |
|--|---|
| 1. Tpr. Jordan<br>OSP 67<br>6259 S.R. 14<br>Ravenna, Ohio 44266                | 2. Tpr. Worner<br>OSP 67<br>6259 S.R. 14<br>Ravenna, Ohio 44266               |
| 3. Tpr. Abbey<br>OSP 67<br>6259 S.R. 14<br>Ravenna, Ohio 44266                 | 4. Lisa M. Crow<br>OSP Crime Lab<br>1583 Alum Creek<br>Columbus, Ohio 43209   |
| 5. Joseph O. Jones<br>OSP Crime Lab<br>1583 Alum Creek<br>Columbus, Ohio 43209 | 6. Kara L. Klontz<br>OSP Crime Lab<br>1583 Alum Creek<br>Columbus, Ohio 43209 |

Respectfully submitted,

  
Eric Finnegan (0076361)  
Assistant Prosecutor  
241 South Chestnut Street  
Ravenna OH 44266  
(330) 297-3850

Proof of Service

A copy of the above Witness List was delivered on the time-stamped date to:  
Attorney Tim Hart - Courthouse Mailbox

  
Eric Finnegan

**PULL**

IN THE COURT OF COMMON PLEAS  
PORTAGE COUNTY, OHIO

**FILED**  
COURT OF COMMON PLEAS

DEC 21 2012

LINDA K. FANKHAUSER, CLERK,  
PORTAGE COUNTY, OHIO

STATE OF OHIO

Plaintiff

CASE NO 2012 CR 00437

vs.

Judge John A. Enlow

DANIEL P. FITZPATRICK

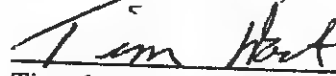
Defendant

**MOTION FOR INTERVENTION**

Now comes the Defendant, Daniel P. Fitzpatrick, by and through counsel, and, pursuant to O.R.C. 2951.041, moves the Court for Intervention in Lieu of Conviction.

For cause, Defendant represents that he is a qualifying offender and the offense herein is a qualifying offense.

Respectfully Submitted,



Timothy J. Hart (0031223)

Attorney for Defendant

136 North Water Street, Suite 209

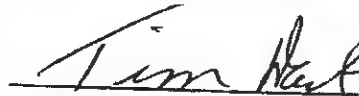
Kent, OH 44240

330-673-4181

[attyhart@sbcglobal.net](mailto:attyhart@sbcglobal.net)

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the above Motion was sent via Courthouse Mail to the Portage Co. Prosecutor this 21st day of December 2012.



Timothy J. Hart

IN THE COURT OF COMMON PLEAS  
PORTAGE COUNTY, OHIO

FILED  
COURT OF COMMON PLEAS

DEC 24 2012

LINDA K. FANKHAUSER, CLERK  
PORTAGE COUNTY, OHIO

STATE OF OHIO,

Plaintiff

-vs-

DANIEL P. FITZPATRICK

Defendant

CASE NO. 2012 CR 0437

JUDGE JOHN A. ENLOW

JUDGMENT ENTRY

This matter came before the Court on Friday, December 21, 2012, for a Hearing on Intervention in Lieu of Conviction.

Present in Court was the Assistant Prosecuting Attorney, Eric Finnegan, appearing on behalf of the State of Ohio and Defendant represented by Attorney Timothy Hart.

IT IS THEREFORE ORDERED the Defendant shall report to the Portage County Adult Probation Department to be interviewed and determine if Defendant qualifies for Intervention in Lieu of Conviction. This matter shall be set for further hearing.

IT IS SO ORDERED.

  
\_\_\_\_\_  
JUDGE JOHN A. ENLOW  
COURT OF COMMON PLEAS

cc: Assistant Prosecuting Attorney  
Attorney for Defendant  
Adult Probation Department

IN THE COURT OF COMMON PLEAS  
PORTAGE COUNTY, OHIO

FILED  
COURT OF COMMON PLEAS

JAN 30 2013

LINDA K. FANKHAUSER, CLERK,  
PORTAGE COUNTY, OHIO

STATE OF OHIO,

Plaintiff

-vs-

DANIEL P. FITZPATRICK

Defendant

CASE NO. 2012 CR 0437A

JUDGE JOHN A. ENLOW

JUDGMENT ENTRY

This matter came before the Court on Monday, January 28, 2013, for Intervention in Lieu of Conviction and a Plea Hearing.

Present in Court was the Assistant Prosecuting Attorney, Eric Finnegan, appearing on behalf of the State of Ohio and the Defendant represented by Attorney Timothy Hart.

The Court finds Count Four is bifurcated for sentencing purposes and shall be labeled 2012 CR 0437B.

The Court finds the Defendant is drug dependant and that factor lead the Defendant to commit this offense, therefore the Defendant is eligible for Intervention in Lieu of Conviction.

The Court further finds that the Defendant has entered a Written Plea of Guilty pursuant to Crim. R. 11(F) Plea Negotiations in Case No. 2012 CR 0437A to Count Two, of the Indictment, charging the Defendant with the offense of "Possession of Drugs," a felony of the fifth degree, and in violation of R.C. 3719.01(HH)(a and b, i or ii) and 2925.11(A)(C1a), Count Three, "Carrying a Concealed Weapon" a felony of the fourth degree, in violation of R.C. 2923.12.

The State of Ohio entered a Nolle Prosequi to the remaining Counts of the Indictment.

The Court thereupon notified the Defendant after release from prison, the Defendant may be supervised under post release control R.C. 2967.28 for a period of three years. *-probation*

The Court further notified the Defendant that if the Defendant violates the terms of the post-release control, the Defendant could receive an additional prison term not to exceed 50 percent of his

original prison term. Also, that if the Defendant is granted community control at any point, the Defendant will have conditions to follow and if the Defendant violates any of those conditions, there could be given a longer period under Court control and/or greater restrictions, or a prison term up to one year for the felony five and eighteen months for the felony four.

IT IS THEREFORE ORDERED that the Court finds the Defendant is knowingly and voluntarily entering this Written Plea of Guilty and, therefore, the Court accepts the Defendant's Written Plea of Guilty and makes a finding of Guilty. Further, the Court accepts the Nolle Prosequi to the remaining Counts of the Indictment.

IT IS FURTHER ORDERED in Case No. 2012 CR 0437A, that the Defendant is to successfully complete a treatment program deemed appropriate and will be monitored by Adult Probation Department for a period of one (1) year as they deem necessary and Defendant shall undergo random substance abuse testing.

The Court notified the Defendant failure to complete said program will result in being sentenced on the aforementioned charges Defendant has plead guilty to.

IT IS FURTHER ORDERED that the Defendant's bond is continued as previously fixed herein.

**IT IS SO ORDERED.**

  
JUDGE JOHN A. ENLOW  
COURT OF COMMON PLEAS

cc: Assistant Prosecuting Attorney  
Attorney for Defendant  
Portage County Adult Probation Department

IN THE COURT OF COMMON PLEAS  
PORTAGE COUNTY, OHIO

STATE OF OHIO,

Plaintiff,

-vs-

DANIEL P. FITZPATRICK

Defendant

CASE NO: 2012 CR 0437 ~~A~~ A+B

JUDGE JOHN ENLOW

WRITTEN PLEA OF GUILTY

FILED  
COURT OF COMMON PLEAS

JAN 30 2013

LINDA K. FANKHAUSER, CLERK,  
PORTAGE COUNTY, OHIO

Now comes Defendant herein, who states the following:

1. That I have been informed by my Attorney and by the Judge and I understand the nature of the charge to which I am pleading guilty, I admit and plead guilty to:

Count 2 - Possession of Drugs (F5) - 3719.01 (HH) (a and b, i or ii) and 2925.11 (A), (C1a)

Count 3 - Carrying Concealed Weapon (F4) - 2923.12

Count 4 - OVI (M1) - 4511.19 (A1a), (G) - [1<sup>st</sup> Offense w/in 6 years]

w/ PSI; State to concur w/ PSI & forfeit weapon

and that it carries a maximum penalty of: 12 months & \$2500 & CC & OL Susp on Ct 2; 18 months & \$5000 & CC on Ct 3; 180 Days & \$1075 (\$375 minimum) & CC & OL Susp on Ct 4 and that the prison term the judge imposes will be the term served.

2. I have been informed that if I am imprisoned that after my release from prison I [May X or Will    be supervised under post release control R.C. 2967.28 for 3 years. I understand that if I violate the terms of my post release control I could receive an additional prison term not to exceed 50% of my original term in prison. I also understand that if I am granted community control at any point, I will have conditions to follow and if I violate any of those conditions, I could be given a longer period under court control and/or greater restrictions, or a prison term of 12 months on Ct 2; 18 months on Ct 3.

3. That I have been informed by my Attorney and by the Judge of the effect of my guilty plea and its consequences, and I understand them; and that upon accepting my guilty plea the Court may immediately proceed with judgment and sentencing.

4. That I have been informed by my Attorney and by the Judge that by pleading guilty I waive the following Constitutional Rights and I understand these rights and it is my intention to waive them:

(a) My right to a jury trial.

(b) My right to confront and cross-examine the witnesses against me.

(c) My right to have compulsory process, that is the right to Subpoena witnesses to Court to testify in my favor.

(d) My right to require the State to prove my guilt beyond a reasonable doubt at a trial at which I could not be compelled to testify against myself.

5. That I have been informed that by pleading guilty I waive my right to appeal any issues that might have been raised had I gone to trial and been convicted, and I understand that right of appeal and it is my intention to waive it.

6. That I have been fully advised by my Attorney of the Criminal Rule 11 (F) plea negotiations which have also been stated in open Court and I accept those negotiations as my own.

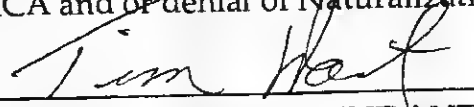
7. That no promises or threats have been made to me by anyone to secure my guilty plea in this case, nor have I been coerced in any way by any person to plead guilty.

8. That I have either read this Written Plea of Guilty or it has been read to me and I understand it, and that I wish to waive all of the rights set forth herein and voluntarily plead GUILTY to the charge(s) set forth above.

9. That I have received discovery in this matter, and would move to withdraw any motions previously filed on my behalf, including but not limited to a motion for a Bill of Particulars.

10. That I ✓ am or I        am not a citizen of the United States of America.  
(PLEASE INDICATE)

(a). (If not a citizen of the United States of America) I understand that my plea of GUILTY could result in a deportation, and or exclusion from admission to the UNITED STATES OF AMERICA and or denial of Naturalization.

  
ATTORNEY FOR DEFENDANT

  
DEFENDANT

Signed in Open Court this (Date): 1-28-13

### JOURNAL ENTRY

The Court finds that the Defendant appeared in open Court and was advised of all his/her Constitutional Rights as set forth in his/her written plea of guilty and that he/she understood, waived, and rejected them before entering his/her plea, and that he/she understood the effects of the plea, and that upon accepting the plea, the Court may immediately proceed with judgment and sentence.

The Defendant's written plea of guilty as set forth above is accepted and ordered filed.

☐ The Defendant is referred to the Probation Department for Statutory Investigation

☐ NEOCAP Evaluation

☐ Intervention In Lieu of Conviction Evaluation

☐ Bond is continued.

IT IS SO ORDERED.

FILED  
COURT OF COMMON PLEAS

JAN 30 2013

LINDA K. FANKHAUSER, CLERK,  
PORTAGE COUNTY, OHIO

  
JUDGE, COURT OF COMMON PLEAS



IN THE COURT OF COMMON PLEAS  
PORTAGE COUNTY, OHIO

**FILED**  
COURT OF COMMON PLEAS

JAN 31 2013

LINDA K. FANKHAUSER, CLERK,  
PORTAGE COUNTY, OHIO

STATE OF OHIO,

Plaintiff

-vs-

DANIEL P. FITZPATRICK

Defendant

CASE NO. 2012 CR 0437B

JUDGE JOHN A. ENLOW

JUDGMENT ENTRY

Nunc Pro Tunc

This matter came before the Court on Monday, January 28, 2013 for a Plea and Sentencing Hearing.

Present in Court were the Assistant Prosecuting Attorney, Eric Finnegan, appearing on behalf of the State of Ohio and the Defendant represented by Attorney Timothy Hart.

The Court finds that the Defendant has entered a Written Plea of Guilty pursuant to Crim. R. 11(F) Plea Negotiations in Case No. 2012 CR 0437B to Count Four of the Indictment charging the Defendant with the offense of "Operating a Vehicle While Under the Influence of Alcohol", 1<sup>st</sup> offense, a misdemeanor of the first degree, in violation of R.C. 4511.19(A1a)(G).

The Court further finds that the Defendant is knowingly and voluntarily entering the Written Plea of Guilty and makes a finding of Guilty. Further, the Court accepts the Defendant's Written Plea of Guilty.

IT IS THEREFORE ORDERED the Defendant shall serve ten (10) days in the Portage County Jail and pay a \$375.00 fine and court costs. All of said jail sentence is suspended on the condition that the Defendant shall complete the three (3) day OVI school. Further, if you fail to pay the judgment for fines or court costs or fail to follow your payment schedule the court may order you to perform community service in an amount of \$8.00 per hour not more than forty hours per month until the judgment is paid or until the court is satisfied that you are in compliance with the approved

payment schedule.

IT IS FURTHER ORDERED Defendant's right to drive in the State of Ohio is suspended for six months. After Defendant has served fifteen days of hard time suspension therefore Defendant may have driving privileges for work, probation and treatment if otherwise valid. Further, Defendant's license suspension shall be credited back to the date of arrest and the administrative license suspension shall be terminated.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
**JUDGE JOHN A. ENLOW**  
**COURT OF COMMON PLEAS**

cc: Assistant Prosecuting Attorney  
Attorney for Defendant  
Adult Probation